

Appl. No. 10/701,309
Amdt. dated 10/04/2005
Reply to Office action of 07/05/2005

REMARKS

Claims 1-20 are pending in the case. The examiner has acknowledged that claims 1-17 are directed to patentable subject matter. Claims 18-20 have been rejected.

The examiner has rejected claims 18-20 under 35 U.S.C. 102(b) as being anticipated by Couet et al., US Patent 5,551,344. The examiner states regarding base claim 18 that Couet et al. “discloses filling at least a portion of the wellbore with a wellbore fluid *selected for controlling a dynamic pressure transient* (col. 3, lines 15-20) *upon and after detonation of the perforating tool*; and *perforating a wellbore by detonating a perforating tool* (col. 3, lines 30-35).” (*emphasis added*).

Applicant respectfully submits that the ‘344 patent does not disclose, teach or suggest “filling at least a portion of the wellbore with a wellbore fluid selected for controlling a dynamic pressure transient upon and after detonation of the perforating tool; and perforating a wellbore by detonating a perforating tool.” (Applicant’s claim 18). In fact, the ‘344 patent fails to anticipate Applicant’s claim 18 and further teaches away from Applicant’s claimed invention.

The ‘344 patent does not teach “filling at least a portion of the wellbore with a wellbore fluid *selected for controlling a dynamic pressure transient*.” (*emphasis added*). The ‘344 does teach filling a portion of the wellbore with a liquid column, however, the wellbore fluid is not selected for controlling a dynamic pressure transient. The ‘344 patent only teaches utilizing a liquid column pressurized by a gas (the gas is created by a gas generator, not a perforating gun) to create an overbalance condition in the well. (Col. 4, lines 4-6, 22-26, 33-36, 40-47, 49-51, 62-63; col. 5, lines 15-17, 64-67; and col. 6, lines 1-8). The ‘344 patent does not suggest any criteria for selecting the wellbore fluid other than to increase the bottom-hole pressure. Applicant’s claimed invention selects a fluid for controlling a dynamic pressure transient. The “dynamic pressure transient” may dynamically create an overbalanced, static or underbalanced pressure transient. (Applicant’s paragraph 28).

The ‘344 patent teaches away from “controlling a dynamic pressure transient upon and after detonation of the perforating tool.” First, as set out above the ‘344 patent does not teach or

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suggest creating or controlling a dynamic pressure transient. Second, the '344 patent does not require the use of a perforating gun and further the use of a perforating gun only serves to provide perforations in the '344 method. "(T)he perforating gun 20 is not necessary when the casing 12 has been previously perforated." (Col. 4, lines 18-31). Finally, the '344 teaches away from "upon or after detonation of the perforating gun." The '344 patent teaches pressurizing a liquid column via a gas charge to propel it into the perforations or fractures (col. 4, lines 49-51) before detonation of a perforating gun (if the creation of perforations is necessary). (See col. 3, lines 30-34; col. 4, lines 32-36; and col. 6, lines 6-8).

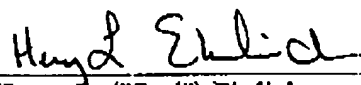
The method of the '344 patent was addressed specifically by Applicant in its application. The Applicant referring to prior art methods and systems stated "the pressure differential was addressed before charges 24 are detonated. These prior art systems did not account for the dynamic pressure transient upon firing of charges 24 and thereafter." (Applicant's paragraph 27).

Applicant respectfully submits that the cited prior art fails to teach or disclose Applicant's claimed invention and further teaches away from Applicant's claimed invention. Applicant respectfully requests that the rejections be withdrawn and a Notice of Allowance be mailed.

Respectfully submitted,
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DATE

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